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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
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10 ORANGE COUNTY COASTKEEPER, a
11 California non-profit corporation,

12 Plaintiff,

13 v.

14
15 HIXSON METAL FINISHING, a California
16 corporation; FPC Management LLC, a
17 California limited liability company; Reid
18 Washbon, an individual, as Trustee of the
19 Reid Washbon Trust,

Defendants.

Civil Case No. 8:22-cv-00932-JVS
(DFMx)

**FIRST AMENDMENT TO
CONSENT DECREE**

**(Federal Water Pollution Control
Act, 33 U.S.C. §§ 1251 *et seq.*)**

20 **FIRST AMENDMENT TO CONSENT DECREE**

21 The following First Amendment to the Consent Decree (this “Amendment”) is
22 entered into by and between Plaintiff Orange County Coastkeeper (“Coastkeeper”) and
23 Defendants Hixson Metal Finishing (“Hixson”), FPC Management LLC (“FPC”), and
24 Reid Washbon as Trustee of the Reid Washbon Trust (“Trustee”) (collectively,
25 “Defendants”). The entities entering into this Consent Decree Amendment are each an
26 individual “Settling Party” and collectively “Settling Parties.”

27 **RECITALS**
28

1 **WHEREAS**, Coastkeeper is a non-profit public benefit corporation
2 organized under the laws of the State of California;

3 **WHEREAS**, Coastkeeper’s mission is to promote and restore water
4 resources that are drinkable, fishable, swimmable, and sustainable for present and future
5 generations;

6 **WHEREAS**, Hixson is a metal finishing and non-destructive testing facility
7 servicing the aerospace and defense industries;

8 **WHEREAS**, FPC owns the real property underlying a portion of Hixson’s
9 industrial operations conducted at 861 Production Place, Newport Beach, CA 92663;

10 **WHEREAS**, the real property underlying a portion of Hixson’s industrial
11 operations conducted at 816 Production Place, Newport Beach, CA 92663 is owned by
12 the Reid Washbon Trust, and Mr. Reid Washbon is the trustee;

13 **WHEREAS**, Defendants own real property and/or operate a metal finishing
14 and testing facility at 816 and 817-861 Production Place, Newport Beach, California 92663
15 (the “Facility”);

16 **WHEREAS**, on or about May 5, 2022, Coastkeeper filed a Complaint
17 alleging Defendants are violating the substantive and procedural requirements of the
18 Clean Water Act, Sections 301(a) and 402. 33 U.S.C. §§ 1311(a), 1342;

19 **WHEREAS**, Defendants denied each of Coastkeeper’s claims;

20 **WHEREAS**, the Parties entered into a Consent Decree that was entered by
21 this Court on December 2, 2022;

22 **WHEREAS**, the Consent Decree requires Hixson to implement advanced
23 Best Management Practices (“BMPs”) sufficient to treat and/or retain an eighty-fifth
24 (85th) percentile storm at the Facility no later than December 1, 2023 (the “Preferred
25 BMP Deadline”) or December 1, 2024 (the “Outside BMP Deadline”); and

26 **WHEREAS**, the Settling Parties have realized a minor mistake in deadlines
27 set forth in the Consent Decree;
28

1 **WHEREAS**, the Settling Parties have agreed it is in their mutual interest
2 and in furtherance of the goals of the Clean Water Act to correct the erroneous deadlines
3 by amending particular provisions of the Consent Decree.

4
5 **AGREEMENT**

6 NOW THEREFORE, it is hereby stipulated between the Settling Parties that the
7 following amendments to the Consent Decree, attached hereto as Exhibit A, be made:

- 8 1. The second sentence of Paragraph 29.1 of the Consent Decree shall be
9 amended and restated to read: “Such payment shall be made by
10 December 1, 2023.”
- 11 2. The second sentence of Paragraph 31.1 of the Consent Decree shall be
12 amended and restated to read: “The payment shall be made by
13 December 1, 2023 .”
- 14 3. All other provisions of the Consent Decree shall remain in full force
15 and effect, unaltered by this amendment.

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17 [Remainder of this page intentionally left blank.]
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1 **IN WITNESS WHEREOF**, the undersigned have executed this Amendment as of
2 the date first set forth below.

3 **APPROVED AS TO CONTENT**

4
5 Dated: January 10, 2023

By: _____
Garry Brown
Orange County Coastkeeper

6
7
8 Dated: _____, 2023

By: _____
Name: _____
Title: _____

9
10
11 Dated: _____, 2023

By: _____
Name: _____
Title: _____

12
13
14 Dated: _____, 2023

By: _____
Name: _____
Title: _____

15
16 **APPROVED AS TO FORM**

17
18 **ORANGE COUNTY COASTKEEPER**

19 Dated: January 10, 2023

By: _____
Lauren Chase
Attorney for Plaintiff

20
21
22 **STILES POMEROY LLP**

1 Dated: _____, 2023

By: _____

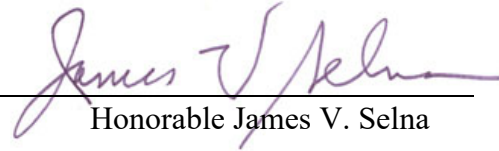
Charles H. Pomeroy

Attorney for Defendants

6 **IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 Dated: January 27, 2023

9 
Honorable James V. Selna